

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEONTA L. MARION,

Defendant.

8:00CR333

8:07CR82

ORDER

Defendant Deonta L. Marion (Marion) appeared before the court on June 12, 2013, on the Petitions for Warrant or Summons for Offender Under Supervision (Petitions) (Filing No. 39 - 8:00CR333 and Filing No. 48 in 8:07CR82). Marion was represented by First Assistant Federal Public Defender Shannon P. O'Connor and the United States was represented by Assistant U.S. Attorney Meredith B. Tyrakoski. Through his counsel, Marion waived his right to a probable cause hearing on the Petitions pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petitions allege probable cause and Marion should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Through counsel, Marion declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Since it is Marion's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence he is neither a flight risk nor a danger to the community, the court finds Marion has failed to carry his burden and Marion should be detained pending a dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held on the Petitions before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:00 a.m. on August 1, 2013**. Defendant must be present in person.

2 Defendant Deonta L. Marion is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 12th day of June, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge